

PARENTS' BILL OF RIGHTS FOR STUDENT DATA PRIVACY AND SECURITY

The East Rockaway Union Free School District, in recognition of the risk of identity theft and unwarranted invasion of privacy, affirms its commitment to safeguarding student personally identifiable information in education records from unauthorized access or disclosure in accordance with State and federal law, and establishes the following parental bill of rights:

1. Students' personally identifiable information will be collected and disclosed only as necessary to achieve educational purposes in accordance with State and federal Law;
2. A student's personally identifiable information cannot be sold or released for any marketing or commercial purposes by the district or any a third party contractor. The district will not sell student personally identifiable information and will not release it for marketing or commercial purposes, other than directory information released by the district in accordance with district policy;
3. Parents have the right to inspect and review the complete contents of their child's education record;
4. State and federal laws, such as NYS Education Law §2-d and the Family Educational Rights and Privacy Act, protect the confidentiality of students' personally identifiable information. Safeguards associated with industry standards and best practices, including but not limited to, encryption, firewalls, and password protection, must be in place when data is stored or transferred;
5. A complete list of all student data elements collected by the State Education Department is available for public review at <http://nysed.gov.data-privacy-security> or by writing to: Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany, NY 12234;
6. Parents have the right to have complaints about possible breaches and unauthorized disclosures of student data addressed. Complaints should be directed to **Bonnie McClelland, Director of Technology and Learning Analytics, bmcclelland@eastrockawayschools.org, 443 Ocean Avenue, East Rockaway, NY 11518, 516-887-8300, X466.** Complaints can also be directed to the New York State Education Department online at <http://nysed.gov.data-privacy-security>, by mail to the Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany, NY 12234 or by email to privacy@mail.nysed.gov or by telephone at 5178-474-0937;
7. Parents have the right to be notified in accordance with applicable laws and regulations if a breach or unauthorized release of their student's personally identifiable information occurs;

8. Parents can expect that educational agency workers who handle personally identifiable information will receive annual training on applicable federal and state laws, regulations, educational agency's policies and safeguards which will be in alignment with industry standards and best practices to protect personally identifiable information;
9. In the event that the District engages a third party provider to provide, deliver or facilitate student educational services, the contractor or subcontractors will be obligated to adhere to the District's data security and privacy policy and with State and federal laws to safeguard students' personally identifiable information, as well as to this Bill of Rights and required supplemental information for each contract.
10. This Parents' Bill of Rights will be included with every contract or other written agreement entered into by the District with a third-party contractor if the contractor will receive student data or teacher or principal data. The Bill of Rights shall also be supplemented to include information about each contract or other written agreement that the District enters into with a third-party contractor receiving student data or teacher or principal data, including: the exclusive purpose(s) for which PII Data will be used; how the contractor will ensure confidentiality and data protection and security requirements; the duration and date of expiration of the contract and what happens to PII Data upon the expiration of the contract; if and how the accuracy of PII Data collected can be challenged; where the student data or teacher or principal data will be stored, described in such a manner as to protect data security, and the security protections taken to ensure such data will be protected and data security and privacy risks mitigated; and how PII Data will be protected using encryption while in motion and at rest.
11. Parents can request information about third party contractors by contacting Bonnie McClelland, Director of Technology and Learning Analytics, bmcclelland@eastrockawayschools.org, 443 Ocean Avenue, East Rockaway, NY 11518, 516-887-8300 X466 or can access the information on the district's website <https://eastrockawayschools.org/>
12. This Parents' Bill of Rights and supplemental information for contracts with third-party contractors shall be posted on the District's website at <https://eastrockawayschools.org/departments/technology>

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**PARENTS' BILL OF RIGHTS FOR STUDENT
DATA PRIVACY AND SECURITY
THIRD PARTY CONTRACTOR SUPPLEMENT**

In accordance with its obligations under the District's Parents' Bill Rights and Data Privacy and Security Agreement, the Contractor verifies the following supplemental information to the Parents' Bill of Rights regarding data privacy and security:

(1) The student data or teacher or principal data (collectively, "PII Data") received by the Contractor will be used exclusively for the following purpose(s):

Contractor and its agents, employees and subcontractors, if any, shall use PII Data solely for the purpose of providing services as set forth in the parties' contract or other written agreement. Contractor and its agents, employees and subcontractors will not use PII Data for any other purposes. Any Data received by or by Contractor or any of its agents, employees, subcontractors or assignees shall not be sold or released for any commercial purposes, nor shall it be sold or used for marketing purposes.

(2) The Contractor will ensure the confidentiality of PII Data that is shared with subcontractors or other persons or entities as follows:

In the event that Contractor subcontracts with an outside entity or individual in order to fulfill its obligations to the District, Contractor ensures that it will only share PII Data with such subcontractors if those subcontractors are contractually bound to observe obligations to maintain data privacy and security consistent with those required of Contractor pursuant to the Agreement. Contractor will maintain reasonable administrative, technical and physical safeguards to protect the security, confidentiality and integrity of PII Data in its custody consistent with the data protection and security requirements of district policy, and state and federal law and regulations by (*describe methods/procedures to safeguard data use by subcontractors*).

(3) The duration of Contractor's services begins on (*insert date*) and ends on (*insert date*), as set forth in the parties' contract or other written agreement. Once the contractor has completed its service to the district, records containing PII Data received by the Contractor will be disposed of as follows:

All PII Data will be disposed of in accordance with the instructions of the District, and will be: (a) delivered to the District or transitioned to a successor contractor, at the District's option and direction, (b) de-identified and/or (c) deleted from Contractor's computer systems and destroyed. Contractor will provide written confirmation of such disposition to the District, upon written request.

(4) A parent, student, teacher or principal can challenge the accuracy of PII Data received by the Contractor as follows:

In the event that a parent or eligible student wishes to challenge the accuracy of PII Data

concerning that student that is maintained by Contractor or its subcontractors, such challenge may be processed through the procedures provided by the applicable educational agency or institution for amendment of education records under the Family Educational Rights and Privacy Act (FERPA). In the event that Contractor is notified of the outcome of any such errors made by Contractor, it will promptly correct any inaccurate data it or its subcontractors or assignees maintain. The District or the applicable New York education agency/institution will use FERPA's data correction procedures, as applicable, to update any data that is not a result of an error made by Contractor or its subcontractors.

(5) The following is how PII Data will be stored and what security protections will be taken by the Contractor:

All Data in Contractor's possession will be securely stored (*describe the location in a manner that protects data security*). Contractor represents that the following security protections, including encryption where applicable, will be in place to ensure that PII Data is protected. (*Describe the following, as applicable*):

- Password protections
- Administrative procedures
- Encryption while PII is in motion and at rest
- Firewalls